



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/852,119 05/06/97 JONES

M 507011026

PM82/0910

EXAMINER

SCOTT A HORSTEMEYER
THOMAS KAYDEN
HORSTEMEYER & RISLEY SUITE 1500
100 GALLERIA PARKWAY N W
ATLANTA GA 30339

LOUIS JACQUES, J

ART UNIT PAPER NUMBER

3661

DATE MAILED:

27
09/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No.	Applicant(s)	
	08/852,119	JONES, MARTIN	
	Examiner Jacques H. Louis-Jacques	Art Unit 3661	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 September 1999 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either a timely filed amendment which places the application in condition for allowance or a Notice of Appeal. Alternatively, applicant may obtain further examination by timely filing a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d).

PERIOD FOR REPLY [check only a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136 (a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked.

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search. (see NOTE below);
 - (b) they raise the issue of new matter. (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ____.

4. Applicant's reply has overcome the following rejection(s): ____.
5. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: ____.

Claim(s) objected to: ____.

Claim(s) rejected: 1-21, 23-49.

Claim(s) withdrawn from consideration: ____.
9. The proposed drawing correction filed on ____ a) has b) has not been approved by the Examiner.
10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). ____.
11. Other:

*JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER*

Continuation of 6. does NOT place the application in condition for allowance because: Claims 15-21, 23-26, 29-30 are anticipated by the Ross patents. The Ross patents disclose the claimed limitations as recited in those. Claims 15-21, 23-26, 29-30 were inadvertently omitted in the rejections applied against the claims in the prior art office action. For example, see Ross '770 patent at columns 3-5 and its claims and Ross '444 at columns 3-6 and its claims. As evidenced in each of the prior office actions, including the final rejection and the advisory actions, claims 15-21, 23-26, 29-30 were indicated to be rejected. Furthermore, there is no convincing showing why this issue was not earlier raised during the prosecution of the present application.

Dec 11/92
JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER